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Allen M. Spiegel, M.D.
The Marilyn and Stanley M. Katz Dean

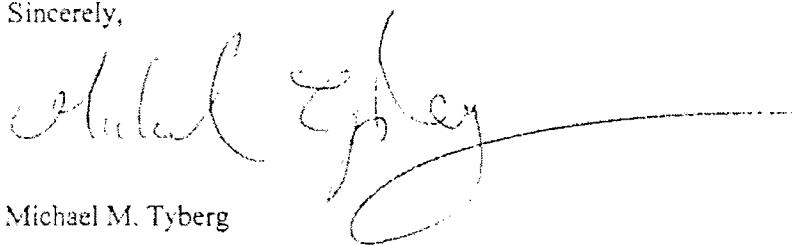
Jack and Pearl Resnick Campus
1300 Morris Park Avenue
Belfer Building, Room 312
Bronx, New York 10461

Dear Dean Allen M. Spiegel,

With the long history that you have at the NIH I am sure that you have developed invaluable tools to deal with heavy responsibilities. As the new Dean of Albert Einstein College of Medicine, you are now faced with a heavy responsibility of a very individual and personal nature because in your hands lies the future of one of your own medical students. I stand at a life-altering crossroad in my life with permanent and far-reaching consequences riding upon your conclusion. The sad fact is that the Committee on Student Promotions and Professional Standards has proposed to you to withdraw me from Albert Einstein. This is terribly disturbing, especially in light of the reality that our history, the Jewish people's history, is riddled with atrocities built upon criticism, condemnation, and finally expulsion and worse. True greatness is to search and discover how make someone or something acceptable and wanted; criticism and condemnation is easy, requiring little skill and an unconstructive attitude. Dr. Spiegel, I humbly request of you to please take a broad, integrated approach when considering my case and please leave no stone unturned in the search of a viable solution.

The format for this presentation is a question/answer style because it enables me to give you information clearly and to the point in an organized manner. Einstein was my first choice of schools, my family's home for the past four years and still is in every way my community. If there is any way that I can be of help to make your assessment easier, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael M. Tyberg". The signature is fluid and cursive, with a long horizontal line extending from the end of the "g" in "Tyberg".

Michael M. Tyberg

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What is the explanation for the dichotomy between the successes of the 2nd and 3rd year compared to the failures of the first year?

During the first year I was confronted with a number of personal issues and I placed their priority above my studies. I was uninformed of the consequences of failure; my understanding was that I could take make-up examinations indefinitely. It was at the end of the first year that the administration first brought to my attention the very notion of committee action. Shortly after, I reprioritized my main concern to that of achievement on examinations. Moreover I capitalized on the study aids provided by Einstein (e.g. lectures, tutors, study partners etc.) extensively. The positive results of my turnaround (e.g. ranking in the top quarter of the class) are plain to see and exceeded the expectations of the faculty.

Why is this important?

The new bylaws that set the cut off point to invoke committee action at a lower number of tests failed, and increased efforts of the administration to educate the student body (for example the website recently created by Dr. Witt to aid students in need) has heightened the awareness of these bylaws and prevented students from being lulled into a false sense of security. Therefore the failures that pepper the history of my first year would never have existed according to the current policy. This is highlighted by the stark contrast between the scores of my first year classes and second year classes. Current policy demands that appropriate steps be taken by the administration early on to solve the issue at hand and offer students the help that they need. The profound lack of interest and intervention that occurred in my case, in retrospect, seems almost negligent on everyone's part. The fact is that when I was alerted to the urgency of the matter, I rapidly progressed to the level of success on par to the demands set by the administration. There are students that retake the Step I and successfully complete their degree at Einstein. The standard of exacting perfection that I am currently being held to is higher than that of my classmates and thus not realistic.

What is the reason for the delay in repeating Step 1?

In accordance with the Americans with Disabilities Act for individuals with documented disabilities who demonstrate a need for accommodation, the NBME provides accommodations for Step 1. At present I am in the process of a submission of a request for additional test and/or break time based on Attention-Deficit/Hyperactivity Disorder and I am holding off from the examination until they respond. In preparation of Step 1, I am currently involved in constant review to retain the knowledge that I have already acquired until the response of the NBME.

It is noteworthy to emphasize that I have taken requisite measures to assure a respectable score. These measures included, but were not limited to, attending seven weeks of live lectures, online practice questions, video lectures, and study partner sessions. Attaching an even greater significance to these methods is the fact that the costs of these services have exceeded five thousand dollars. The Step 1 is my highest priority, the same way that receiving the training of Einstein to be a doctor of excellence is my highest priority.

What approach will ensure a triumphant future at Einstein?

Enclosed is a schedule designed to maximize performance and dismiss the potential of falling short in the future as virtually nonexistent.

The advantages of this schedule are manifold, but can be highlighted by a few distinctive features.

- 1- Incorporation of lectures in the study of Shelf material.
- 2- Using identical material for the study of the Shelf exam and for the Step 2 exam.
- 3- Review of material is incorporated into the schedule of every single day.
- 4- Question practice (especially important in light of my ADHD status) is incorporated into the schedule early on.
- 5- All of the preparation detailed in this schedule is meant to take place before the onset of the related clerkship. Consequently:
 - 5a) Extra time available to me, depending upon the schedule of the individual clerkship, can be spent in review and question practice.
 - 5b) Knowledge and skills necessary for proper care of patients and excellent evaluations will be present at the start of the rotation.

The disadvantage of this schedule is only to me. It is a personal decision to take the extra time and perhaps postpone the date of graduation as a trade off for the guarantee of outstanding grades. Rescheduling the date of graduation is also an advantage in that I can devote extra time to research. The fact is that there are only nine more examinations between the start of clerkships and graduation and that I have passed more than twice that number of tests consecutively. Even a very pragmatic approach will elicit a confidence in my ability to succeed and carry high expectations for my future here at Einstein.

Are there any extenuating circumstances or mitigating factors that should be taken into account?

I can say with conviction that what I am today is because of the decisions that I made yesterday i.e. I take responsibility for my life. The only purpose in establishing the influence that external conditions entered into my performance is merely to attenuate the severity of the consequences that I may be subject to.

Personal issues: My Grandmother suffered an incapacitating stroke and began to suffer from depression. My continued personal involvement was instrumental to her recovery. Also a challenge was that my wife and I were experiencing serious marital conflict. We began couples therapy and maintain this practice to the present day. Lastly, coinciding with the time period of my Step I exam my wife and I had a baby boy.

Psychiatric issues: In February I sought psychiatric care and was diagnosed with Attention-Deficit/Hyperactivity Disorder and an Anxiety Disorder. Intuitively I have been compensating for this disability throughout my education. Pharmacological treatment has been initiated, adhered to, and has yielded beneficial results. This intrinsically represents a mitigating factor when considering test scores. Furthermore, the seat that the committee bylaws rest upon is the presupposition "to consider exam scores as reliable indicators of knowledge – rather ... that some students are poor test-takers yet nonetheless have a strong knowledge base." Conversely because my disability is a handicap on examinations and no accommodations have previously been put into practice, scores are undependable at best as a measure of a strong knowledge base.

My father taught me that we are meant to transcend our circumstances and embody a behavior that is a product of our own conscious choice. This proactive approach leaves no room for the blaming game. These experiences have served to help forge my character and develop the freedom to handle difficult circumstances in the future. Let these unique incidents also serve to facilitate a moderate approach to a resolution.

Closing Statement:

It seems almost as if there is a line of reasoning for either course of action and apparently there are weights resting on both sides of the scale. Examinations that infer a want of knowledge versus test results that rank in the uppermost quarter of the class. Regulations that require dismissal versus the fact that admission to the college preceded the establishment of these bylaws. Showing flexibility now is just setting the stage for a future mishap versus the consistent performance demonstrated throughout the second year examinations. To what extent should the bylaws and their repercussions be tempered by the aforementioned extenuating circumstances? Lastly, the past is without both treatment of ADHD and test accommodations and therefore introduces new issues regarding the application of these bylaws and the viability of using my past disappointments to herald the future.

The bottom line is that initially the committee permitted my continuance into second year, merely with my assurance of improvement as a rationale. What followed this decision was assiduous conduct that reaped notable grades successively until the completion of the second year curriculum. If simply my word possesses such standing as to be worth Einstein investing in me valuable time and energy, then it follows that my promise along with a flawless second year should assert an even greater influence. Furthermore, apart from persevering to successfully complete the basic sciences, apart from the staggering debt incurred by the extra years of tuition, the investment my family and I have made to move here, raise our child here, and integrate ourselves into the community here at Einstein symbolizes a bond of commitment that was nonexistent at the original committee decision. Since at this point in time, when compared to the time of the first committee hearing, both Einstein resources and personal sacrifice have contributed jointly to provide my education it should in fact diminish the criterion of dismissal. At this point it is difficult to perceive how condoning the destructive stance of 'all bets are off' is warranted. I have performed under exceptional circumstances to provide exceptional results and it is up to you, Dean Spiegel, to exercise the power that you have

rightfully earned and, whether as a temporary measure or as a full process, offer me the support that I deserve.

Lastly the administration never had any reservations in regards to my integrity, compassion, internal value system, or ambition. The calling of a physician is an appropriate counterpart to my character. Moreover the duty to the community and the underprivileged, the commitment to research, the eagerness to learn and the thrill to teach are qualities that I share with this college. There is no doubt that the advancement and completion of my education would yield a doctor that portrays the doctrine of Einstein. As I started off, it is in your hands to credit Einstein as the proud educator of this future doctor.

Thank you for your valuable time,

Michael M. Tyberg